INTRADEPARTMENTAL CORRESPONDENCE

April 24, 2013
8.3

CONFIDENTIAL

TO: Chief of Police

FROM: Chief of Detectives

SUBJECT: CORRESPONDENCE FROM LORCAN KILROY

At the request of the Police Commission, both Legal Affairs Division and Juvenile Division worked in collaboration to address the concerns and issues identified by Mr. Lorcan Kilroy. At the conclusion of the investigation, the attached correspondence was prepared for your signature to Mr. Lorcan Kilroy.

Along with the correspondence is a fact sheet which addressed the issues raised by Mr. Lorcan Kilroy and steps Juvenile Division took relative to the investigation of the case.

Should you have any questions, please contact Captain Fabian E. Lizarraga, Commanding Officer, Juvenile Division, at (213) 486-0500.

REVIEWED:

KIRK J. ALBANESE, Deputy Chief
Chief of Detectives

MICHEL R. MOORE, Assistant Chief
Director, Office of Special Operations

Attachments

EXHIBIT E

CONFIDENTIAL

LOS ANGELES POLICE DEPARTMENT

CHARLIE BECK
Chief of Police

ANTONIO R. VILLARAIGOSA
Mayor

P. O. Box 30158
Los Angeles, Calif. 90030
Telephone: (213) 486-0150
TDD: (877) 275-5273
Ref#: 8.3

April 24, 2013

Mr. Lorcan Kilroy
[redacted]

Dear Mr. Kilroy:

An investigation into your concerns, which were reported to the Los Angeles Police Department (LAPD) and the Board of Police Commissioners regarding possible mishandling of a child abuse incident, has been completed. I have reviewed all aspects of this matter in regard to your concerns, and found that your request for records was made pursuant to the California Public Records Act, but the LAPD is bound to follow the applicable federal and state laws as prescribed. Furthermore, all the aspects into the child abuse allegations have been thoroughly investigated and the actions were found to be consistent with Department policy or procedure.

Thank you for bringing this issue to our attention. It is the goal of the LAPD to provide the highest level of quality service to every member of the community. Any questions regarding this matter may be referred to Captain II Fabian E. Lizarraga, Juvenile Division, at (213) 486-0500.

Very truly yours,

CHARLIE BECK
Chief of Police

KIRK J. ALBANESE, Deputy Chief
Chief of Detectives

INTRADEPARTMENTAL CORRESPONDENCE

April 17, 2013
8.3

CONFIDENTIAL

TO: Chief of Detectives

FROM: Commanding Officer, Juvenile Division

SUBJECT: CORRESPONDENCE FROM LORCAN KILROY
POLICE COMMISSION REQUEST

At the request of Detective Bureau, Juvenile Division completed the attached fact sheet to address the concerns and issues identified by Mr. Lorcan Kilroy. The fact sheet delineates the times, and details the chain of events following the correspondence by Mr. Kilroy.

Should you have any questions, please contact Captain Fabian E. Lizarraga, Commanding Officer, Juvenile Division, at (213) 486-0500.

Fabian E. Lizarraga

FABIAN E. LIZARRAGA, Captain
Commanding Officer
Juvenile Division

Attachments

EXHIBIT E

FACT SHEET

CONFIDENTIAL

CORRESPONDENCE FROM MR. LORCAN KILROY
April 15, 2013

Background. Numerous entities within the Los Angeles Police Department (LAPD) and outside agencies received correspondence from Mr. Lorcan Kilroy requesting information and verification of documentation of an incident involving a teacher at Van Nuys High School.

Discussion. During February 2013, Captain Fabian Lizarraga received an e-mail from Mr. Lorcan Kilroy detailing possible child abuse by a teacher at Van Nuys High School. This issue was researched by Detective II Rose Ledesma-Gaeta who kept in touch with Mr. Kilroy during this time. The outcome of her research revealed that an Investigate Report (IR) was completed for battery involving teacher [redacted]. This information was relayed back to Mr. Kilroy on March 5, 2013, with the caveat that child abuse allegations are covered by confidentiality.

On March 8, 2013, Mr. Lorcan Kilroy sent an e-mail to Assistant Chief Paysinger, Deputy Chief Perez, Police Administrator Chaleff, and Captain Fabian Lizarraga. The request was made for transparency regarding possible cover-up of a child abuse incident. Mr. Kilroy fashioned out an extensive e-mail regarding all his thoughts and wishes which included receiving documentation and detailed information of the incident in question.

Mr. Kilroy is a Special Education teacher at Van Nuys High School and reported that another teacher at the school had grabbed another student by the back of the neck and wanted to know if the incident had been reported. We conducted a thorough investigation regarding this matter that included contacting administrators at the Los Angeles Unified School District (LAUSD).

Between the time periods of April 20, 2012 through April 25, 2012, a referral was generated from a Suspected Child Abuse Report (SCAR) faxed by D[redacted]W[redacted], who was working as a substitute teacher at Van Nuys High School. The report stated that the incident took place on April 20, 2012. Mr. W[redacted] was working when he heard loud arguing from down the hallway. At this time, he exited his classroom and observed teacher [redacted] yelling at a student. Mr. W[redacted] did not observe any physical contact, but requested an adult staff member notify the appropriate school staff. On April 25, 2012, an E-SCAR was generated by a Department of Children and Family Services employee and was inputted into the E-SCAR system.

It was also confirmed that Assistant Principal Phyllis Baer of Van Nuys High School contacted the Los Angeles United School District, Employee Relations Department, ISTAR # 28014, regarding this matter.

On April 25, 2012, the SCAR was received by Real Time Analysis & Critical Response Division and classified as a divisional occurrence. On April 26, 2012, Juvenile Division employees reviewed the SCAR and placed it into our SCAR log for tracking.

EXHIBIT E

FACT SHEET

CORRESPONDENCE FROM MR. LORCAN KILROY
April 15, 2013

On April 27, 2012, Van Nuys Detective II Darrell Van Roy, Serial No. 27089, reviewed the SCAR and entered it into the Detective Case Tracking System (1209X0246). The SCAR was then assigned to Police Officer Joel Shunkey, Serial No. 38534, for handling. There was a slight delay in the final (IR) being made due to the student (victim) not showing up for his classes. On May 7, 2012, a "Battery" IR (12-09-11015) was taken by the Los Angeles School Police Department (LASPD), Officer N. Weber, Serial No. 1321, after conferring with Officer Shunkey.

The listed suspect on the report is a teacher at Van Nuys High School and the victim is a student, both with the same names provided by Mr. Kilroy. The report states that during a verbal argument the teacher shoved the student. In his report, he states that the incident stemmed from the suspect taking a bag of chips away at which time, both the victim and suspect started yelling. It was at this time that the suspect used both hands and shoved the victim. Van Nuys Area Detective II Devine-Pelt, Serial No. 27287, completed the follow-up. Due to the victim and his parents not wishing to pursue prosecution and no injuries, this case was cleared "Other" pursuant to the criteria set forth in Detective Operations Manual (DOM) Volume I, Section 152.20-152.22, Victim Refuses to Prosecute. Although the victim refused to prosecute, this matter was still presented to Deputy City Attorney Alex Perez, who declined to prosecute, citing lack of sufficient evidence.

On March 11, 2013, the Discovery Section received a request from Mr. Kilroy for documentation regarding this matter. A letter was fashioned out and mailed to him on March 18, 2013. Upon receiving the letter from the Discovery Section, Legal Affairs Unit, denying his request, Mr. Kilroy then proceeded to send an e-mail to Chief of Police Charlie Beck and Richard Tekank, Executive Director, Board of Police Commissioners. Mr. Kilroy is upset that his request for documents was denied by the LAPD and the LAUSD.

Conclusion. During the course of the investigation, Mr. Kilroy outlined an incident that occurred on April 20, 2012, at Van Nuys High School, involving a teacher named [redacted] This incident was regarding the teacher putting his hands around a student's neck and shaking him. Mr. Kilroy feels that this incident was covered up by both the LAPD and the LAUSD.

Based on our assessment, we feel that the incident mentioned by Mr. Kilroy is in fact the same incident that was reported on April 25, 2012, on the SCAR and LASPD Battery report. We are making this conclusion based on facts obtained during our investigation. The named suspect is the same person mentioned by Mr. Kilroy and the incident occurred on the same day (April 20, 2012). During this incident, the suspect and victim started yelling at each other resulting in the suspect using both hands and shoving him. In Mr. Kilroy's version, he reports the suspect putting his hands around a student's neck which could have been confused with the shoving. It should be noted that Mr. Kilroy received the information from a third uninvolved party, and Mr. Kilroy was not a witness to the incident.

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FACT SHEET

CORRESPONDENCE FROM MR. LORCAN KILROY
April 15, 2013

We spoke to both school officials and the parents of the student involved, and verified that a conference occurred between the victim, his parents and the teacher (suspect). This incident was documented and investigated by both the LAPD and LAUSD. None of the parties had any issues with the manner in which the incident was handled.

During the course of his inquiry, Mr. Kilroy refers to the teacher ([redacted]) as having a "Good Teacher" standing, inferring a cover up. However, the incident was reported, investigated and closed out in a timely manner. The victim regards Mr. [redacted]s a good teacher and wanted to return to his classroom. The victim along with his parents did not wish to pursue this matter. This case was presented to the City Attorney's Office who reviewed the matter and declined to prosecute. It is recommended that this matter be closed out with no further action.

Prepared by:
Juvenile Division

kilroy/LAUSD 005274

EXHIBIT E